

ZB# 05-57

Cleo Gualtieri

68-2-9 & 10

6-57

CLEO GUALTIERI (MINUTEMAN TAVERN)
RT. 300 (AREA & SIGN) (68-2-9 & 10)

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 9-26-05







Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

OFFICE OF THE ZONING BOARD OF APPEALS

January 17, 2006

Cleo Gualtieri
P.O. Box 157
Vails Gate, NY 12584

SUBJECT: REQUEST FOR VARIANCE #05-57

Dear Mr. Gualtieri:

Please find enclosed two copies of the Formal Decision for your case before the Zoning Board of Appeals. Please keep these copies in your records for future reference if needed.

If you are in need of any further assistance or have any questions in this matter, please feel free to contact me at the above number.

Very truly yours,

Myra Mason, Secretary to the
NEW WINDSOR ZONING BOARD

MLM:mlm

cc: Michael Babcock, Building Inspector

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 68-2-10

In the Matter of the Application of

CLEO GUALTIERI (for Jay Bird and Partners Inc.)

**MEMORANDUM OF
DECISION GRANTING**

**INTERPRETATION AND
SIGN**

CASE #05-57

WHEREAS, Cleo Gualtieri, owner(s) of 171 Temple Hill Road, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for Existing tractor trailer box to be used for storage purposes and; Interpretation that there is no trailer box as defined by the New Windsor Zoning Code, the former "Trailer Box" having become part of the building and; Request for 48 sq. ft. for Total All Signs for existing free standing pole sign at 171 Temple Hill Road in a C Zone (68-2-10)

WHEREAS, a public hearing was held on September 26, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a commercial property located on a busy commercial highway in a neighborhood of commercial properties.
 - (b) The property has been used as a commercial restaurant and tavern.

- (c) A portion of a tractor-trailer, specifically a "Trailer Box" was attached to the rear of the building approximately eleven years ago.
- (d) When the "Trailer Box" was attached to the building, one side of the box was removed, a doorway was provided into the building, and the "Trailer Box" was attached to the building in such a way that there was no gap or space between the "Trailer Box" and the building.
- (e) After the "Trailer Box" was attached to the building, the landscaping and walkway was provided around it so that it appears and for all purposes, was treated as a part of the building.
- (f) There is a freestanding sign in front of the building which has been in place for approximately nineteen years, during which time there have been no complaints either formally or informally about the sign.
- (g) The sign is located so that it does not interfere with the safe operation of motor vehicles on the adjacent highway.
- (h) The sign is similar in size and nature to other signs in the neighborhood.
- (i) The sign is illuminated with a steady interior light, it does not flash nor does it contain any neon.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The portion of the applicant's building, which was formerly a "Trailer Box" has been attached to the building and has lost its character as a portion of a tractor-trailer. The applicant is not maintaining a tractor-trailer or part thereof, as defined by the New Windsor Zoning Code and no violation for such maintenance is applicable.
2. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
3. There is no other feasible method available to the Applicant that can produce the benefits sought.
4. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.

5. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
6. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
7. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
8. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
9. The interests of justice will be served by allowing the granting of the requested area variance(s).

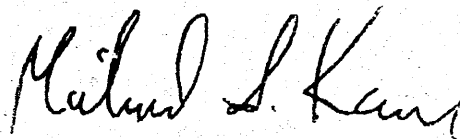
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for Existing tractor trailer box to be used for storage purposes and; Interpretation that there is no trailer box as defined by the New Windsor Zoning Code, the former "Trailer Box" having become part of the building and; Request for 48 sq. ft. for Total All Signs for existing free standing pole sign at 171 Temple Hill Road in a C Zone (68-2-10) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: September 26, 2005



Chairman



RESULTS OF Z.B.A. MEETING OF:

September 26, 2005

PROJECT: Cleo Gualtieri (Minuteman Tavern) ZBA # 05-57

P.B.# _____

USE VARIANCE:

NEED: EAF _____

PROXY _____



LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ☒

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN A A
LOCEY A A
BROWN A A
MC DONALD A A
~~REIS~~
KANE A ATrailer - 5 ayes } Carried
0 Nayes }2 M Sign - 5 ayes
5 G Sign 0 Nayes

CARRIED: Y _____ N _____

Also - an interpretation - is this a part of the building

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 8/15/05

**APPLICANT: Jay Bird and Partners Inc.
171 Temple Hill Road
New Windsor, NY 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 8/10/05

FOR : Existing Trailer Box

LOCATED AT: 171 Temple Hill Road

ZONE: C Sec/Blk/ Lot: 68-2-10

COPY

DESCRIPTION OF EXISTING SITE: Existing commercial building

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Existing tractor trailer box not permitted to be used for storage purposes.**


BUILDING INSPECTOR

PERMITTED

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

ZONE: C USE: 300-65

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit # A2005-833

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises CEO Guertler

Address 171 Temple Hill Road Phone # 845 629 8392

Mailing Address Po Box 157 Fax # _____

Name of Architect _____

Address _____ Phone _____

Name of Contractor C

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____

(Name and title of corporate officer)

1. On what street is property located? On the _____ side of Route 300
(N, S, E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____

3. Tax Map Description: Section 68 Block 2 Lot 10

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other

approval of existing trailer

6. Is this a corner lot? _____

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use walk-in-cooler

10. Estimated cost _____

ZONING BOARD Fee

\$5000
Cash

PAYED

1 / 1
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors: Frank Lal & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4818
(845) 563-4885 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

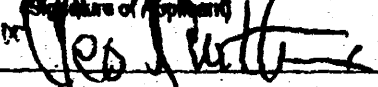
INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all the certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.


(Signature of Applicant)

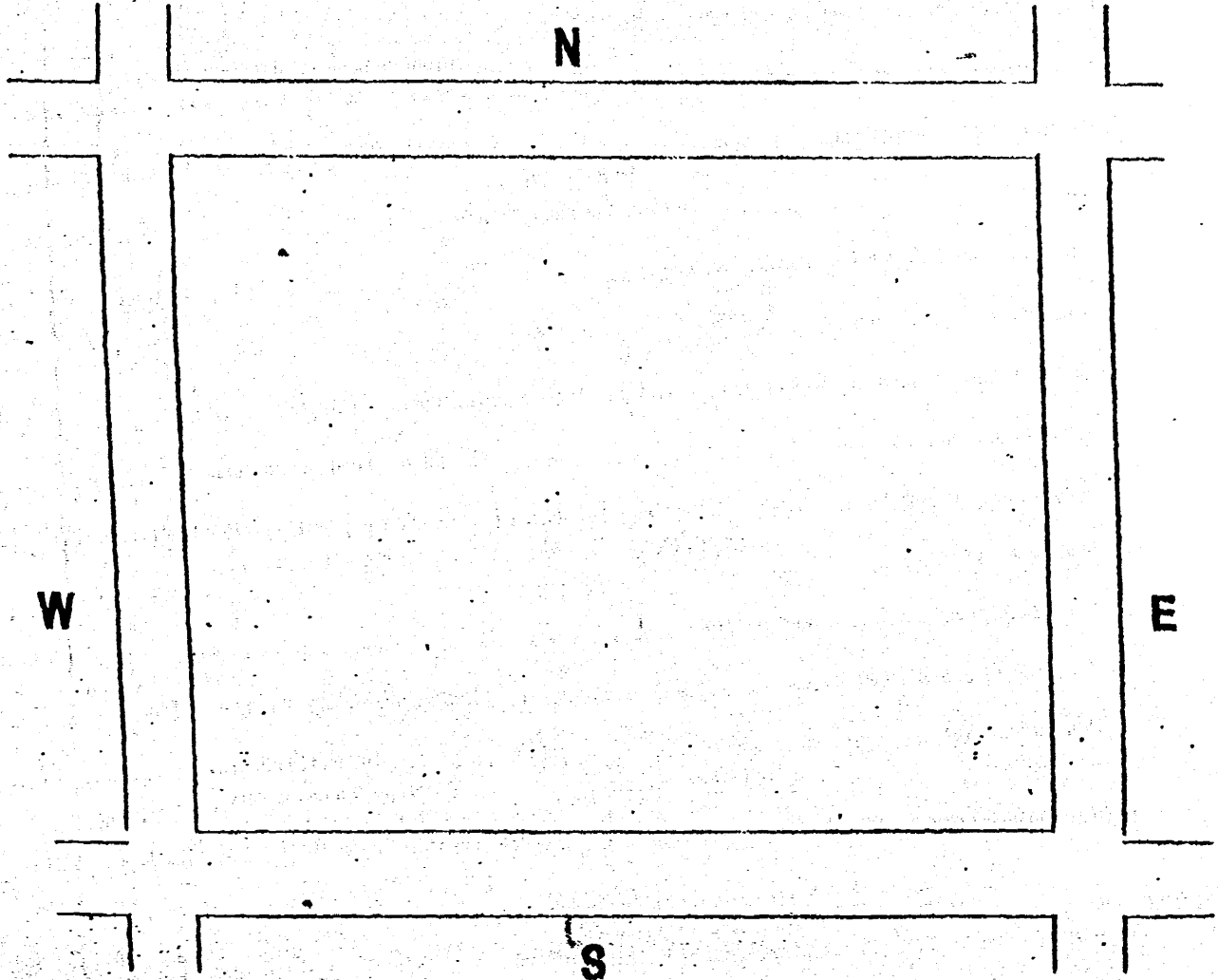
(Address of Applicant)

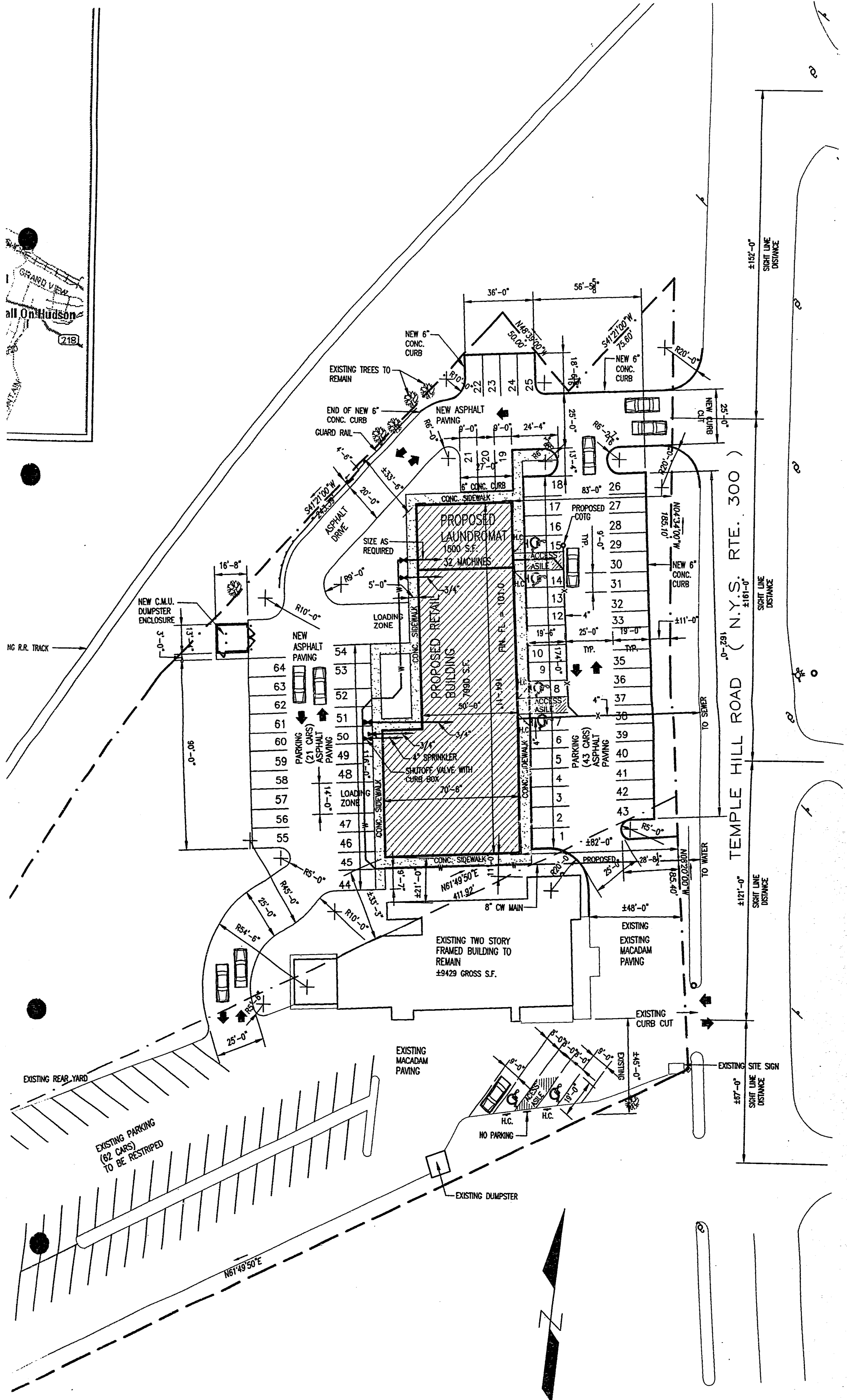

(Owner's Signature)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





EXISTING FOUNDATION
LOCATED ON JULY 29, 2003

This is the
Trailer

PATIO

EXISTING RESTAURANT & TAVERN
5,900±S.F.

S81°49'50"W
182.40'

51.3'

S06°20'00"E
185.40'

58.5'

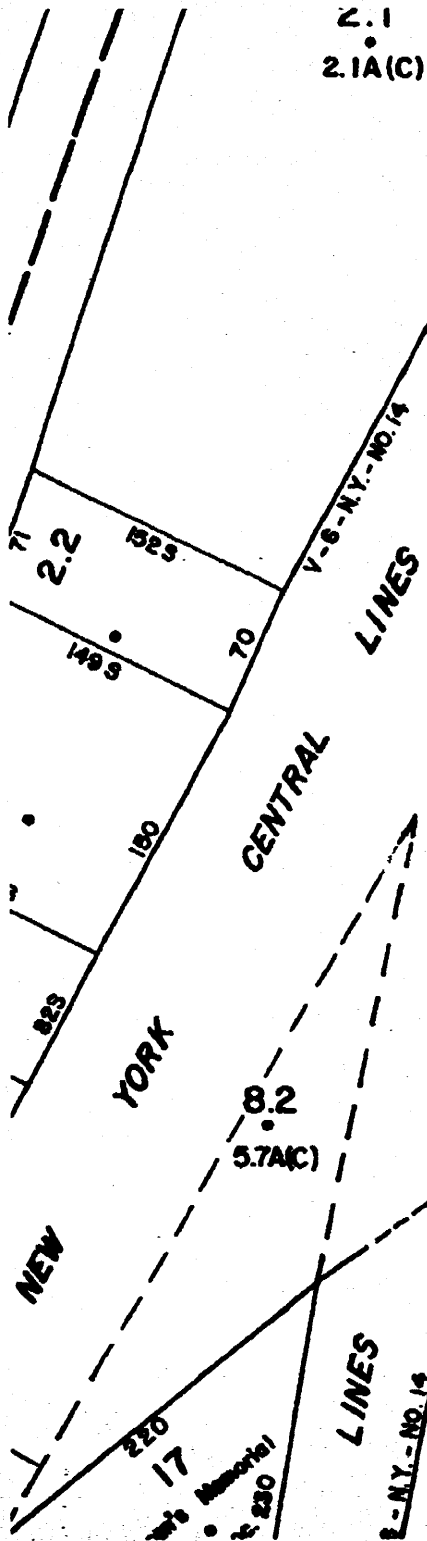
51.6'

POB

CONC. MON. ON PT.

Temple Hill Rd.

2.1
2.1A(C)



9
1.9A(C)

10
1.3A

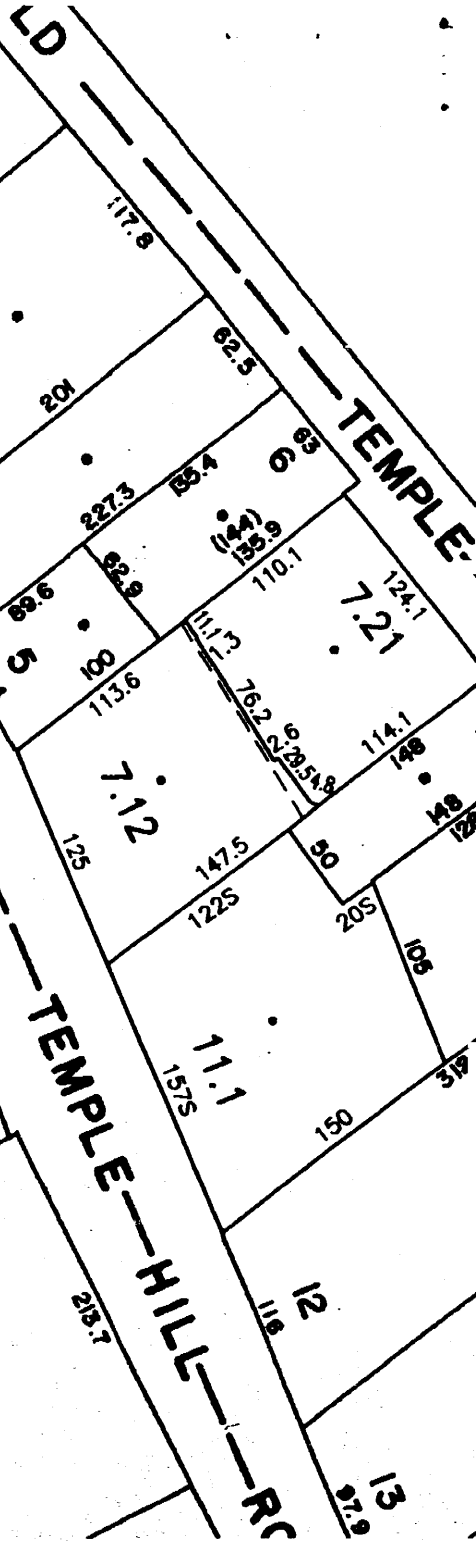
11.12
1.6A

KOOSIS & GOOSIS & STOBBER YANKULIS MAP 39-00

(2)
12.22
3A(C)

DUARTE SUB MAP 6507

YORK STATE HWY. 300



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: 10/24/05
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 305.87 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #05-57

NAME & ADDRESS:

**Cleo Gualtieri
P.O. Box 157
Vails Gate, NY 12584**

THANK YOU,

MYRA

L.R.10/24/05



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #05-57

TYPE: AREA

TELEPHONE: 629-8392

APPLICANT:

Cleo Gualtieri

P.O. Box 157

Vails Gate, NY 12584

RESIDENTIAL:

\$ 50.00

CHECK # _____

COMMERCIAL

\$ 150.00

CHECK # 1337

INTERPRETATION

\$ 150.00

CHECK # _____

ESCROW:

COMMERCIAL \$500.00

CHECK # 1338



MINUTES

ATTORNEY

DISBURSEMENTS:

\$5.50 / PAGE

FEE

PRELIMINARY:

8

PAGES

\$44.00

\$35.00

2ND PRELIMINARY:

—

PAGES

\$

\$

PUBLIC HEARING:

5

PAGES

\$27.50

\$35.00

PUBLIC HEARING:

—

PAGES

\$

\$

LEGAL AD: Publish Date: 9/13/05

\$52.63

TOTAL:

\$124.13

\$70.00



ESCROW POSTED:

\$ 500.00

LESS: DISBURSEMENTS:

\$194.13

AMOUNT DUE:

\$

REFUND DUE:

\$305.87

Cc:

L.R. 10/24/05

PUBLIC HEARINGS: _____

CLEO_GUALTIERI_(MINUTEMAN_TAVERN)_(05-57) _____

Mr. Cleo Gualtieri appeared before the board for this proposal.

MR. KANE: Request for existing tractor trailer box to be used for storage purposes and request for 48 sq. ft. for total all signs for existing free standing pole sign at 171 Temple Hill Road.

MR. KRIEGER: This was never amended to ask for an interpretation first?

MR. KANE: I don't know anything about it.

MR. MC DONALD: It's in the minutes for an interpretation.

MS. MASON: Interpretation for what?

MR. KRIEGER: Whether or not this is in fact a trailer box as defined by the statute or whether it's lost its character as a trailer box to circumstances unique to this particular applicant.

MR. KANE: That it's been there and has become part of the building per se.

MR. KRIEGER: Yes, you see there's no break between the trailer box and the building itself, thereby it doesn't look like a trailer box, there's landscaping all around and lost one side whether it is in fact just simply part of the building at this point.

MR. KANE: Any complaints about the trailer formally or informally?

MR. GUALTIERI: Not at all.

MR. KANE: How long has it been there?

MR. GUALTIERI: Eleven years.

MR. KANE: No complaints at all?

MR. GUALTIERI: Not at all, no, sir.

MR. KANE: So the first thing we're going to do is we're also looking for an interpretation as to is this a separate entity or part of the actual building at this point. Mr. Gualtieri has presented pictures to the board that you can see that shows that the trailer has been in place for approximately 11 years. Let the record show that the trailer actually looks from these pictures to be part of the building, there's no separation, seems to be built right into it, and I would personally consider it part of the building myself. And we'll put these pictures in the record for the trailer. Did you guys see these?

MS. MASON: They did.

MR. KANE: At this point, I'm going to open it up to the public, ask if there's anybody here for this particular hearing. Nobody here? So we'll close the public portion of the meeting and ask how many mailings we had.

MS. MASON: On the 13th of September, I mailed out 34 envelopes and had no response.

MR. KANE: Okay and now the other part of the variance is the signs, do you guys want to take that in the two separate things, do you want the interpretation then tackle the signs?

MR. MC DONALD: Yeah.

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MR. KANE: So I'll accept a motion on the interpretation.

MR. MC DONALD: I'll make that motion that we accept it as a part of the building, not a separate, not a trailer box.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

MR. KANE: The sign out front has been an existing sign?

MR. GUALTIERI: Yes.

MR. KANE: How many years has it been up?

MR. GUALTIERI: Going on 19, the change I had put the letters on the bottom, the sign meets the criteria I believe except for I put the sign in with the letters on it.

MR. KANE: Welcome classes of NFA, how can we knock that down?

MR. GUALTIERI: Cornwall's on the other side.

MR. KANE: Since you added the bottom portion of the sign, has there been any complaints formally or informally?

MR. GUALTIERI: No.

MR. KANE: And you're looking for request for a 48 square foot the sign itself, is it similar in size and nature to other signs that are in the neighborhood?

MR. GUALTIERI: Similar.

MR. KANE: Any illumination on the sign?

MR. GUALTIERI: Yes.

MR. KRIEGER: Internal steady illumination, no flashing, no neon?

MR. GUALTIERI: No, sir.

MR. KRIEGER: Is that all correct?

MR. GUALTIERI: All correct.

MR. KANE: So we're permitted 64 square feet, we're at 112 square feet with a 48 square foot variance needed and it's, you've had no complaints, I said that, right?

MR. GUALTIERI: No complaints.

MR. KANE: Let the record show we're in possession of pictures showing the sign from the highway and in no way does the sign obstruct any type of traffic or view of vehicles coming down Route 300. Okay, as far as the sign, any other questions? I'll accept a motion.

MR. MC DONALD: I make a motion.

MR. BABCOCK: Do you have to open it to the public?

MR. KANE: No because everything was opened before and there's nobody here so it's one hearing but we're just taking the two decisions as two separate votes.

MR. MC DONALD: I'll make the motion that we grant the

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48 square foot request for the total all signs for the existing freestanding pole sign at 171 Temple Hill Road.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. MC DONALD	AYE
MR. KANE	AYE

September 12, 2005

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CLEO_GUALTIERI_(MINUTEMAN_TAVERN)_(05-57)

MR. REIS: Request for existing tractor trailer box to be used for storage purposes and request for 48 sq. ft. for total all signs for existing free standing pole sign at 171 Temple Hill Road in a C zone.

Mr. Nicholas Gualtieri appeared before the board for this proposal.

MR. REIS: Tell us what you want to do.

MR. GUALTIERI: I'm actually Nick, his son, representing him tonight.

MS. MASON: I do have a proxy in the file.

MR. GUALTIERI: Request for a trailer box that was installed on the property 11 years ago which is right now used for cooler space.

MR. REIS: Let's handle the trailer box first and then we'll get into the sign, okay, how long has the trailer box been there?

MR. GUALTIERI: For 11 years.

MR. REIS: It's not going over any easements or utilities or right-of-ways?

MR. GUALTIERI: No, sir.

MR. REIS: And that's just dry storage?

MR. GUALTIERI: It's half refrigerated half dry, yes, pretty much our main source of cooler space.

MR. REIS: You really need it.

MR. GUALTIERI: Oh, yeah, big time, it's where we keep

September 12, 2005

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most of our beer and our food.

MR. REIS: Mike, it doesn't appear but we've got plenty of side yard here.

MR. BABCOCK: Yes, there's no problems with the setback, Mr. Chairman, what the issue is is that Cleo told me that it was a trailer box and in our code, the code says that you cannot use a trailer box for any storage purposes and that's why they're here tonight. It's been there for 11 years, there should be pictures, if there's pictures.

MR. REIS: Yes.

MR. KRIEGER: Now this trailer box it's just a box off the wheels?

MR. GUALTIERI: Yes, oh yeah.

MR. KRIEGER: It's sitting there?

MR. GUALTIERI: Yes.

MR. KRIEGER: You can't hook up a tractor trailer and tow it away?

MR. GUALTIERI: No, sir, we made sure that it blended in with the building nicely, planted bushes, sidewalk, got a fence separating the back of the building for any entrance to get into the trailer.

MS. LOCEY: Get into the trailer from the building or--

MR. GUALTIERI: Well, from the back parking lot.

MS. LOCEY: Not from the interior of the building itself?

MR. GUALTIERI: Right.

MR. KRIEGER: Now there are no members of the public that use this trailer box, it's strictly for you guys, right?

MR. GUALTIERI: Yes, employees and us of course, yes.

MR. REIS: Michael, not to put you on the spot, but can you elaborate on the code? Just says no trailers?

MR. BABCOCK: Yeah, there's an accessory structure code and it basically says that you cannot use a trailer box, you know, and a lot of people were doing that, taking old tractor trailers, just using them for storage purposes and they made a regulation I think in 1986 that says you cannot use a trailer for storage purposes and other than him admitting that he had this thing, I didn't even know that it was there.

MR. KRIEGER: How is it attached to the building?

MR. GUALTIERI: It's attached to the building, it's kind of hard to explain.

MR. KRIEGER: Is it freestanding or is it--

MR. GUALTIERI: See how it's flush up against the exterior building right here?

MR. KRIEGER: Flush against the exterior?

MR. GUALTIERI: Yes, when you walk through the door right here, you pretty much walk in through the trailer and inside the building that's why this roof comes into play.

MR. KRIEGER: There's no space between the trailer and the building?

MR. GUALTIERI: Absolutely not.

MR. REIS: Have you had any complaints from your neighbors formally or informally?

MR. GUALTIERI: No, no.

MR. BABCOCK: You don't know that this thing is there.

MR. REIS: Right, this is in the rear of the building?

MR. GUALTIERI: Yes.

MR. BABCOCK: Yes.

MR. KRIEGER: What I would suggest, Mr. Chairman, is that the application be amended to ask for an interpretation before a variance to determine whether this trailer box is defined in the code as there appears to be enough difference, it's not like he just parked it in the parking lot.

MR. REIS: Almost like an accessory building that's been there for a long time.

MR. KRIEGER: Well, if it's attached to the building.

MS. LOCEY: Storage room.

MR. KRIEGER: Yeah, if it's attached to the building.

MR. KRIEGER: It may have once had wheels and been a trailer box but the question is now is it a trailer box as defined in the code.

MR. BROWN: Where is the refrigeration inside?

MR. GUALTIERI: Inside the trailer box.

MR. BABCOCK: We sent him here tonight for an area variance, I think what Mr. Krieger's saying is to set

him up for a public hearing for an interpretation and/or area variance.

MR. KRIEGER: Failing that an area variance.

MR. BABCOCK: Right, if the board interprets that this is not a box trailer, just an addition to the building then he, that's the interpretation if they feel the interpretation would be that it is a box trailer then he would need an area variance to have that box trailer there.

MS. LOCEY: So having a box trailer is not considered a non-conforming use, something that's--

MR. BABCOCK: Right now I'm telling him he cannot have that box trailer there, that the code says he cannot have it there, you know, and it says with or without wheels, so, I mean, I've read it a few times because only like I said he admitted that it was a box trailer and I knew it was one and I read it quite a few times before I told him that he had to come here to seek relief of that.

MS. LOCEY: Box trailer is not a permitted use and if this board determines it's not a box trailer as defined in the code that eliminates that problem?

MR. BABCOCK: That's correct.

MS. LOCEY: If this board decides that it is a box trailer, it's still not a permitted use, why would an area variance be needed?

MR. BABCOCK: Well, it's just like it's, a shed's not permitted in this area, you get an area variance to put the shed there, it's, you know, the sheds are not permitted in the front yard of a house, can't project closer to the street than the principal building, same thing as this he can appeal my decision to this board

September 12, 2005

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and receive a variance to keep it that way.

MS. LOCEY: Okay.

MR. KRIEGER: So when you come back bring pictures, a picture of the other side of the trailer box would be helpful and looking right along the building so you can see that it's attached.

MR. GUALTIERI: Mike, I'm not sure but did my father give you like four or five pictures of it?

MR. BABCOCK: Just what's there.

MS. MASON: One of the building, one of the sign.

MR. GUALTIERI: I know he took five or six of every single angle.

MR. REIS: Just bring us those.

MR. BABCOCK: This is not going to hold you up, just change the paperwork on my part.

MR. GUALTIERI: I'll make sure that he gets those pictures.

MR. KRIEGER: Something so the board can see there's no space between the trailer and the building.

MR. GUALTIERI: Right, absolutely.

MR. REIS: Let's take care of the sign then we'll take a motion. Okay, request for 48 square foot total of all signs for existing freestanding pole sign. Okay, how long has the sign been there?

MR. GUALTIERI: Eighteen years.

MR. REIS: Again, no complaints formally or informally

September 12, 2005

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from your neighbors?

MR. GUALTIERI: No.

MR. BABCOCK: Mr. Chairman, on the sign we also feel that going back in the file we can't find any paperwork, everybody was doing this, if you notice in the '90s they're attaching the sign that used to be on little trailers that they'd roll out the changeable letters and they attached them to the bottom of their sign. I think that when he put this sign up if he would have got the proper paperwork at the time he wouldn't need a variance but today's code does not allow this as far as the square footage. That's why he's here.

MR. REIS: Thank you very much. Existing sign is that lighted?

MR. GUALTIERI: Yes, existing sign is lighted, yes.

MR. KRIEGER: Interior light, steady illumination?

MR. GUALTIERI: Yes.

MR. REIS: Non-flashing?

MR. GUALTIERI: Non-flashing.

MR. REIS: I'm trying to picture this, this is obviously in the front yard, it doesn't get in the way of traffic as far as sight?

MR. GUALTIERI: As far as pulling out of the parking lot, no, absolutely not.

MR. KRIEGER: How about motorists on the roadway right there in front?

MR. GUALTIERI: No.

September 12, 2005

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MR. KRIEGER: Again when you come for the public hearing pictures as a motorist would see it on the roadway would be helpful for the board to show that it doesn't interfere.

MR. GUALTIERI: Coming north on 300?

MR. KRIEGER: Yes.

MR. BABCOCK: Basically stand on the road in front of your business and take a picture down 300 showing how far it is off the road.

MR. REIS: And where you have it parked, it's not over any easements or right-of-ways, utility easement?

MR. GUALTIERI: No.

MR. REIS: Any other questions? All right, can we get a motion please? You have the language for that?

MS. LOCEY: I'll offer a motion to schedule a public hearing on the application of Cleo Gualtieri for a request for his existing tractor trailer box to be used for storage purposes and/or an interpretation that it is a tractor trailer box according to the definition in the code and also his request for a 48 foot square foot for total all signs for an existing freestanding pole sign at 171 Temple Hill Road in a C zone.

MS. GANN: Second the motion.

ROLL CALL

MS. GANN	AYE
MS. LOCEY	AYE
MR. BROWN	AYE
MR. REIS	AYE

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

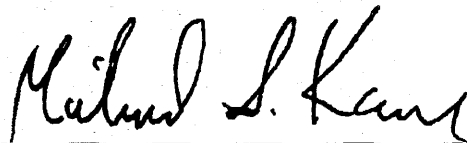
Appeal No. 05-57

Request of CLEO GUALTIERI (MINUTEMAN TAVERN

for a VARIANCE of the Zoning Local Law to Permit:

**Request for Existing tractor trailer box to be used for storage purposes and;
Request for 48 sq. ft. for Total All Signs for existing free standing pole sign at 171
Temple Hill Road in a C Zone (68-2-10)**

**PUBLIC HEARING will take place on SEPTEMBER 26, 2005
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.**

A handwritten signature in black ink, reading "Michael S. Kane". The signature is written in a cursive style with a horizontal line underneath it.

Michael Kane, Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

September 7, 2005

Cleo Gualtieri
P.O. Box 157
Vails Gate, NY 12584

Re: 68-2-10

ZBA#: 05-57 (34)

Dear Mr. Gualtieri:

According to our records, the attached labels are property owners within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

65-2-1.2
RRMGNWH, LLC
940 South Avenue
Westfield, NJ 07090

65-2-41
Iracema Castro
P.O. Box 496
Vails Gate, NY 12584

68-1-6
Herbert & Justa Livingstone
P.O. Box 497
Vails Gate, NY 12584

68-2-2.1
Marcia Sherwood
P.O. Box 7041
Newburgh, NY 12550

68-2-4
Pedro & Ana Lugo
43 Mertes Lane
New Windsor, NY 12553

68-2-9
Jay Bird & Partners, Inc.
P.O. Box 157
Vails Gate, NY 12584

68-2-12.12
MCB Partnership, LLC
521 Green Ridge Road
Scranton, PA 18508

68-2-17
Veterans Memorial Grove Assoc.
P.O. Box 194
Vails Gate, NY 12584

68-3-3
Phillip Williams
P.O. Box 549
Vails Gate, NY 12584

68-3-7.12
Walter & Louella Nichols
P.O. Box 579
Vails Gate, NY 12584

65-2-4
NY Central Lines
c/o CSX
500 Water Street (J-910)
Jacksonville, FL 32202

65-2-42
Arthur Stockdale
1098 Egret Lake Way
Viera, FL 32940

68-1-7.1
P & J Properties, LLC
c/o John Leonetti
50 Mertes Lane
New Windsor, NY 12553

68-2-2.2 & 7
James McGrane
P.O. Box 7041
Newburgh, NY 12550

68-2-5 & 6
Isidora Casas
P.O. Box 469
Vails Gate, NY 12584

68-2-11.12
Fall Fittings, Inc.
380 Route 208
New Paltz, NY 12561

68-2-12.22
North Plank Road Development
Company, LLC
5020 Route 9W
Newburgh, NY 12550

68-3-1
Thomas & Kathleen Manning
44 Creek Run Road
Newburgh, NY 12550

68-3-4 & 5
Wayland & Joy Sheafe
1661 Little Britain Road
Rock Tavern, NY 12575

68-3-7.21
Lureen & Rubena Robinson
55 Old Temple Hill Road
New Windsor, NY 12553

65-2-12.1
WVR Real Estate II, LLCV
4 Coates Drive – Suite 1
Goshen, NY 10924

68-1-2
BJS Holding, LLC
38 West 32nd Street
Suite 1201
NY, NY 10001

68-2-1
Marcio Fernandes
3 Mertes Lane
New Windsor, NY 12553

68-2-3
Reyes & Eliazar Solis
39 Mertes Lane
New Windsor, NY 12553

68-2-8.1
Erie Properties Corp.
401 South Water Street
Newburgh, NY 12550

68-2-12.11
Sy Realty Corp.
17 Pinehurst Circle
Monroe, NY 10950

68-2-13.22
James & Phyllis Duffy
P.O. Box 214
Vails Gate, NY 12584

68-3-2
Nakkab Hernandez, LLC
69 Old Temple Hill Road
New Windsor, NY 12553

68-3-6
Anthony & Gemma Tornatore
82 Continental Drive
New Windsor, NY 12553

68-3-9
Eugene & Ruth Andrews
P.O. Box 114
Vails Gate, NY 12584

68-3-10
Paula Martino
P.O. Box 142
Vails Gate, NY 12584

68-3-11.1
Strategic Office, LLC
P.O. Box 522
Vails Gate, NY 12584

68-3-12
Antonio & Giencinto DeDominicis
P.O. Box 327
Cornwall, NY 12518

71-1-64
Dominick & Lucille Parisi
53 Hy Vue Drive
Newburgh, NY 12550

Town of New Windsor
ZONING BOARD OF APPEALS
PUBLIC HEARING NOTICE

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

Appeal No. 05-57
Request of CLBO GUALTIERI
(MINUTEMAN TAVERN)

for a VARIANCE of the Zoning Local Law to Permit:

Request for Existing tractor trailer box to be used for storage purposes and;
Request for 48 sq. ft. for Total All Signs for existing free standing pole sign at 171 Temple Hill Road in a C Zone (68-2-10)

PUBLIC HEARING will take place on September 26, 2005 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 P.M.

MICHAEL KANE
CHAIRMAN

THE TIMES HERALD RECORD PROOF

Customer: NEW WINDSOR, TOWN Contact: MYRA Phone: 8455634615
Ad Number: 1795990
Notice For: 05-57 MINUTEMAN
Insertion: Start_Date - 09/13/2005 End_Date - 09/13/2005
Price: 0.00
Section: CL Class: 999X; LEGAL BILLING Size: 0 x 0.00
Printed By: THRFODDRIL Date: 09/07/2005
Signature of Approval: _____ Date: _____



RESULTS OF Z.B.A. MEETING OF: September 12, 2005

PROJECT: Cleo Gualtieri (Minuteman) ZBA # 05-57
P.B.# _____



USE VARIANCE: _____ NEED: EAF _____ PROXY _____

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

PUBLIC HEARING: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MCDONALD _____ CARRIED: Y _____ N _____
REIS _____
KANE _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) L S) G VOTE: A 4 N 0

GANN A
LOCEY A
BROWN A
MCDONALD A
REIS A
~~KANE~~ _____

CARRIED: Y ☒ N _____

PUBLIC HEARING: _____ STATEMENT OF MAILING READ INTO MINUTES _____

VARIANCE APPROVED: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LOCEY _____
BROWN _____
MC DONALD _____
REIS _____
KANE _____

CARRIED: Y _____ N _____

Amend application to read "Interpretation" of and as "Variance" of structure as a box trailer as defined in the code

Need additional pictures of building space between trailer + bldg
Need additional pictures of sign from Roadway



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

ZONING BOARD OF APPEALS

September 13, 2005

Cleo Gualtieri
P.O. Box 157
Vails Gate, NY 12584

SUBJECT: REQUEST FOR VARIANCE #05-57

Dear Cleo:

This is just to let you know your Notices for Public Hearing were mailed out and the notice was also sent to The Times Herald Record Newspaper for publication. **PLEASE NOTE: The charge for publication in the Times Herald Record will be deducted from your escrow that was posted with your application papers.**

Your Public Hearing before the Zoning Board of Appeals for your requested variance at:

Minuteman Restaurant
Rt. 300
New Windsor, NY

is scheduled for the September 26, 2005 agenda.

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have any questions or concerns in this matter, please feel free to contact me.

Very truly yours,

Myra Mason, Secretary
Zoning Board of Appeals

MLM:mlm

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 08-30-05

FOR: ESCROW 05-57

FROM:

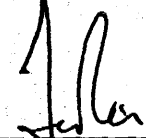
Cleo Gualtieri
P.O. Box 157
Vails Gate, NY 12584

CHECK NUMBER: 1338

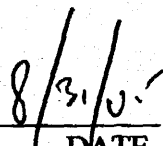
TELEPHONE: 629-8392

AMOUNT: 500.00

RECEIVED AT COMPTROLLER'S OFFICE BY:



NAME



DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#834-2005

08/31/2005

Clarence & Lorraine Gualtieri, Inc. *ZBA #05-57*

Received \$ 150.00 for Zoning Board Fees, on 08/31/2005. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



Town of New Windsor

**555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689**

ZONING BOARD OF APPEALS

August 30, 2005

**Cleo Gualtieri
P.O. Box 157
Vails Gate, NY 12584**

SUBJECT: REQUEST FOR VARIANCE #05-57

Dear Cleo:

This letter is to inform you that you have been placed on the September 12, 2005 agenda for the Zoning Board of Appeals to discuss your request for a variance at:

**Minuteman Tavern
Rt. 300
Vails Gate, NY**

This meeting starts at 7:30 p.m. and is held in the Town Meeting Room at Town Hall. If you have a problem with this time and/or date, please contact me at the above number and we will reschedule your appearance. If you have any further questions, please feel free to contact me.

Very truly yours,

**Myra Mason, Secretary
Zoning Board of Appeals**

MLM:mlm



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

9/23/05
Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. Owner Information:

CEO Gualtieri
(Name)

Phone Number: (845) 629 8392
Fax Number: () 561 3232

171 Temple Hill Rd.
(Address)

II. Applicant:

(Name) _____ Phone Number: () _____
Fax Number: () _____
(Address) _____

III. Forwarding Address, if any, for return of escrow: Phone Number: () _____
Fax Number: () _____

P.O. Box 157 Vails Gate 12584
(Name) _____
(Address) _____

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number () _____
Fax Number: () _____

(Name) _____
(Address) _____

V. Property Information:

Minuteman Tavern

Zone: C Property Address in Question: 171 Temple Hill Rd.
Lot Size: 156.701 Tax Map Number: Section 68 Block 27 Lot 109
a. What other zones lie within 500 feet? _____
b. Is pending sale or lease subject to ZBA approval of this Application? _____
c. When was property purchased by present owner? 18 years
d. Has property been subdivided previously? 2003/2004 If so, When: _____
e. Has an Order to Remedy Violation been issued against the property by the
Building/Zoning/Fire Inspector? _____
f. Is there any outside storage at the property now or is any proposed? _____

****PLEASE NOTE:*****

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

APPLICANT/OWNER PROXY STATEMENT
(for professional representation)

for submittal to the:
TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

Cleo Gualtieri, deposes and says that he resides
(OWNER)
at 171 TEMPLE HILL ROAD in the County of ORANGE
(OWNER'S ADDRESS)
and State of New York and that he is the owner of property tax map
(Sec. 68 Block 2 Lot 10)
designation number (Sec. _____ Block _____ Lot _____) which is the premises described in
the foregoing application and that he authorizes:

Nicholas Gualtieri
(Applicant Name & Address, if different from owner)

(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date: August 29, 2005

** [Signature]
Owner's Signature (MUST BE NOTARIZED)

Sworn to before me this: 29th day of Aug. 2005

DEBORAH GREEN,
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 2007

Applicant's Signature (If different than owner)

Nick Gualtieri
Representative's Signature

[Signature]
Signature and Stamp of Notary

THIS FORM IS TO BE COMPLETED ONLY IF SOMEONE OTHER THAN THE PROPERTY OWNER WILL BE APPEARING AS REPRESENTATION OF THE OWNER AT THE ZBA MEETINGS.

**** PLEASE NOTE:
ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

COMPLETE THIS PAGE ☐

**OWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

X. SIGN VARIANCE:

- (a) Variance requested from New Windsor Zoning Local Law,
Section 68.2.10, Supplementary Sign Regulations

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign #1	<u>64 s.f.</u>	<u>112 s.f.</u>	<u>48 s.f.</u>
Sign #2			
Sign #3			
Sign #4			

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversized signs.

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building and freestanding signs _____?

XI. INTERPRETATION:

- (a) Interpretation requested of New Windsor Zoning Local Law,
Section _____

- (b) Describe in detail the proposal before the Board:

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
-
-

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: (each payable to the TOWN OF NEW WINDSOR)
- ☐ One in the amount of \$ 300.00 or 500.00 (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 (application fee)
- ☐ One in the amount of \$ 25.00 (Public Hearing List Deposit)
- ☐ Photographs of existing premises (5 or 6) from several angles. (IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)

XIV. AFFIDAVIT.

STATE OF NEW YORK)

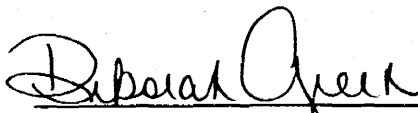
) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

23rd day of August 2005.


Signature and Stamp of Notary


Owner's Signature (Notarized)

Owner's Name (Please Print)

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 2007

COMPLETE THIS PAGE ☐

9/12



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION(LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)

APPLICATION FEE: \$ 50.00
*ESCROW: \$300.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

MULTI-FAMILY: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

COMMERCIAL: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

INTERPRETATION: (Three Separate Checks Please)

APPLICATION FEE: \$150.00
*ESCROW: \$500.00
**DEPOSIT FOR PUBLIC HEARING LIST: \$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

*

ESCROW
IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

**

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:	
APPROXIMATE COST FOR PUBLIC HEARING LIST:	
1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00
ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME	

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.)**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING. YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.